

Office of Administrative Hearings (OAH) Appeal Process

The Office of Administrative Hearings conducts fair and impartial hearings for citizens and other affected parties when they contest the actions of the state agencies determining their legal rights. CDDO's are agents of SRS.

- Request for Fair Hearing - must be made in writing and received by OAH within 30 days of the date of the agency's notice of action; appellant can use OAH form or just provide a written statement of what they are appealing.
- Pre-Conference Hearing - doesn't always take place; depends on circumstances.
- Hearing - can be in person, by conference call, or on a review of records.
- Initial Order of Presiding Officer - If no one requests a review by the State Appeals Committee, then the order becomes final and binding on the 30th day following the order being served. (OAH can affirm, remand, or reverse)
- Request for Review by State Appeals Committee - Due 15 days from date of order. Appellant (or whoever is requesting the review) is responsible for having a transcript of the hearing prepared and paying for it.
- Order of State Appeals Committee - Becomes final when signed by the Secretary. Appellant has the right to file a petition for judicial review with the appropriate District Court (county in which the order or agency action was issued, where the appellant reside, or where the order takes effect) within 30 days of the final order. If this is done, they must serve a copy of the petition to the Secretary of SRS and should notify OAH of the appeal of the final order.
- Petition for Reconsideration – (Rarely used since petition is to the Secretary, who signed and finalized the Order of the State Appeals Committee.) Must be filed within 15 days to the Agency Head. Agency Head has 20 days to respond. This petition is not a prerequisite for seeking judicial review of the Agency Head's final order. If reconsideration has not been requested and is not a prerequisite for seeking judicial review, a petition for judicial review of a final order shall be filed within 30 days after service of the order.

Things to remember when involved in an OAH Appeal:

- ✓ All information regarding an appeal is subject to strict confidentiality standards.
- ✓ Be clear as to which organization took the action that is being appealed (i.e., CDDO or CSP).
- ✓ All information served by mail is given 3 days added to time limits.
- ✓ Documentation is extremely important to support any actions that have been taken.
- ✓ All correspondence or contact regarding the appeal should be directly solely to the CSS Appeals Representative.
- ✓ An SRS Attorney may be involved depending on the type and complexity of the appeal.

Contact Information:

Kansas Department of Administration

CSS Appeals Representative